

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER A.K.A.
ANTOLIN ANDREW MARKS,

Plaintiff,

V.

MICHAEL MELENDEZ,

Defendant.

Case No. C05-5680RBL

ORDER

This Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. The only remaining defendant is Michael Melendez. The remaining claims address the constitutionality of the telephone system available for plaintiff. All other defendants and all other claims were dismissed at summary judgment. See, (Dkt. # 129 and 132).

Mr. Marks now litigates under a sanction as a result of improper filings. As part of that sanction documents filed by Mr. Marks are submitted under seal for court review. Mr. Marks has filed three documents since entry of the sanction order (Dkt. # 168, 169, and 170). Document 170 directly relate to the sanctions and contain the type of material that lead to the sanctions order. **Document 170 will remain sealed with no further court action on either document.**

ORDER

Documents 168 and 169 are ordered unsealed. This action was stayed on August 31, 2007. The court will not consider Mr. Marks ex-parte motions for injunctive relief, (document 168), while the stay is in effect. No further action on this motion is required by any party at this time. Document 169 is a response to a court order to show cause. **That document is now unsealed and available to all parties.**

Also pending before the court is a motion to file an amicus brief on behalf of plaintiff (Dkt. # 171). That matter is noted of October 12, 2007. The parties may submit responses to the motion but in all other respects this action remains stayed.

The clerk's office is directed to send copies of this letter to plaintiff and to counsel for defendants and to the party seeking to file an amicus brief.

DATED this 18 day of September, 2007.

/S/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate